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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,053	12/30/2003	Glenn Hamasaki JR.	14317US02	8338
23446 7590 01/09/2008 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			EXAMINER BAYARD, DJENANE M	
			ART UNIT 2141	PAPER NUMBER
			MAIL DATE 01/09/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/748,053

Applicant(s)

HAMASAKI ET AL.

Examiner

Djenane M. Bayard

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/15/04, 9/19/05.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The recitation of "A mobile network capable of" in claim 15 has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-7, 10-12 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application No. 2002/0124007 to Zhao.

- a. As per claim 1, Zhao teaches a mobile services network for management of service components in an electronic device, the mobile services network comprising: a plurality of regions of data and content in the electronic device (See page 5, paragraph [0040-0042] and

figure 4); a plurality of server-side components, each of the server-side components managing at least one particular region of the plurality of regions of data and content in the electronic device (See page 4, paragraph [0033], page 5, paragraph [0044 and page 6, paragraph [0045-0046]).

b. As per claim 11, Zhao teaches a mobile services network comprising an electronic device having access to a plurality of services, and wherein the electronic device being adapted to be managed remotely, the mobile services network comprising: a management server for managing access to a plurality of services associated with the electronic device(See page 1, paragraph [0008], *the network server can send commands and requests to intelligent devices*); and a plurality of service management repositories for management of associated service components installed in non volatile memory of the electronic device. (See page 2, paragraph [0010]).

c. As per claim 2, Zhao teaches the claimed invention as described above. Furthermore, Zhao teaches wherein the plurality of server-side components further comprise: a plurality of repositories providing data and content for the electronic device, each of the plurality of repositories being capable of managing at least one region of data and content in the electronic device (See page 2, paragraph [0010] and page 6, paragraph [0045-0046]).

d. As per claim 3, Zhao teaches the claimed invention as described above. Furthermore, Zhao teaches wherein each of the plurality of regions of data and content in the electronic device are adapted to employ a security mechanism enabling a particular one of the plurality of server-side components to access or manage a particular one of the plurality of regions of data and

content (See page 4, paragraph [0034-0035]).

e. As per claim 4, Zhao teaches the claimed invention as described above. Furthermore, Zhao teaches wherein the plurality of regions of data and content in the electronic device comprise: a corporation related data and content region being managed by a corporate server-side component (See page 5, paragraph [0042]) ; an end-user related data and content region being managed by an end-user related server-side component (See page 6, paragraph [0048]; an operator related data and content region being managed by an operator related server-side component; and a manufacturer related data and content region being managed by a manufacturer related server-side component (See page 4, paragraph [0035])

f. As per claim 5, Zhao teaches the claimed invention as described above. Furthermore, Zhao teaches a management server for managing the electronic device, wherein the plurality of server-side components manage the plurality of regions of data and content in the electronic device via the management server (See page 2, paragraph [0010], page 4, paragraph [0033] and page 5, paragraph [0042]).

g. As per claim 6, Zhao teaches the claimed invention as described above. Furthermore, Zhao teaches wherein each of the plurality of server-side components are adapted to manage creating, updating, deleting, and configuring at least a corresponding one of the plurality of regions of data and content (See page 1, paragraph [0008] and page 5, paragraph [0042]).

h. As per claim 7, Zhao teaches the claimed invention as described above. Furthermore, Zhao teaches wherein each of the plurality of server-side components is associated with a corresponding region of the plurality of regions of data and content and each of the plurality of server-side components is further adapted to manipulate and manage the corresponding region (See page 1, paragraph [0008] and page 5, paragraph [0042]).

i. As per claims 10 and 14, Zhao teaches the claimed invention as described above. Furthermore, Zhao teaches wherein the electronic device comprises one of a mobile cellular phone handset, personal digital assistant, pager, MP3 player, and a digital camera (See page 2, paragraph [0021]).

g. As per claim 12, Zhao teaches the claimed invention as described above. Furthermore, Zhao teaches wherein the associated service components comprise: at least one firmware and operating system layer; a communication stack; corporate data; and end-user personal data, wherein each of the associated service components employ a corresponding security service available in the electronic device (See page 4, paragraph [0035]).

4. Claims 15-27 and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application No. 2004/0002943 to Merrill et al.

a. As per claim 15, Merrill et al teaches a mobile network capable of updating firmware and software in an electronic device, the mobile network comprising: a management server facilitating management of firmware and software in the electronic device (See paragraph [0051]); a corporate virtual user group management server for corporate user virtual group management (See page 6, paragraph [0099]); and a corporate software repository being employed for corporate user virtual group management and for distributing corporate software and corporate data to the electronic device (See page 7, paragraph [0109] and page 8, paragraph [0111-0112]).

b. As per claim 16, Merrill et al teaches the claimed invention as described above. Furthermore, Merrill et al teaches a digital rights management server for disseminating rights to use corporate software and corporate data disseminated by the corporate virtual user group management server (See paragraph [0099-0100]).

c. As per claim 17, Merrill et al teaches the claimed invention as described above. Furthermore, Merrill et al teaches wherein the electronic device further comprises: non-volatile memory; and a corporate data segment for storing and managing corporate software and corporate data in non-volatile memory, wherein management of the corporate data segment being conducted solely by the corporate virtual user group management server (See page 5, paragraph [0062]).

d. As per claim 18, Merrill et al teaches the claimed invention as described above.

Furthermore, Merrill et al teaches wherein corporate software repository being employed to update corporate software and corporate data in the corporate data segment in non-volatile memory of the electronic device; and an update package repository being employed to retrieve update packages for updating firmware and software in the electronic device (See paragraph [0033 and paragraph [0062]).

e. As per claim 19, Merrill et al teaches the claimed invention as described above.

Furthermore, Merrill et al teaches wherein software in the electronic device comprises: an operating system; and a plurality of applications updateable by the management server (See page

f. As per claim 21, Merrill et al teaches a method of managing a corporate data segment in an electronic device, the method comprising: retrieving corporate software and corporate data from a corporate data repository and facilitating retrieval via a corporate virtual user group management server (See paragraph [0051]); storing retrieved corporate software and corporate data in a corporate data segment of the electronic device (See paragraph [0062] ; retrieving rights to access or execute corporate software and corporate data from a digital rights management server (See paragraph [0099-0100]); and updating the corporate data segment (See paragraph [0026]).

g. As per claim 22, Merrill et al teaches the claimed invention as described above.

Furthermore, Merrill et al teaches incorporating verification information in corporate software and corporate data retrieved from the corporate data repository; and updating the corporate data

segment in the electronic device only after verification of the verification information (See paragraph [0099-0100]).

h. As per claim 23, Merrill et al teaches the claimed invention as described above.

Furthermore, Merrill et al teaches incorporating end-user authentication information in corporate software and corporate data during retrieval from the corporate data repository (See paragraph [0099 and 0104]).

i. As per claims 20 and 24, Merrill et al teaches the claimed invention as described above.

Furthermore, Merrill et al teaches wherein the electronic device comprises one of mobile cellular phone handset, personal digital assistant, pager, MP3 player, and a digital camera (See paragraph [0025]).

j. As per claim 25, Merrill et al teaches a mobile services network capable of managing firmware and software in an electronic device, the mobile services network comprising: a plurality of management servers for managing different logical segments of non-volatile memory of the electronic device (See paragraph [0006]); and the electronic device comprising non-volatile memory being logically segmented into a plurality of segments with a different one of the plurality of management servers associated with each of the plurality of segments (See page 4, paragraph [0033], page 5, paragraph [0044 and page 6, paragraph [0045-0046]).

k. As per claim 26, Merrill et al teaches the claimed invention as described above.

Furthermore, Merrill et al teaches wherein the plurality of management servers employing digital rights management for security and for authorizing access to an associated one of the plurality of logical segments in the electronic device (See paragraph [0099 and 0104]).

l. As per claim 27, Merrill et al teaches the claimed invention as described above.

Furthermore, Merrill et al teaches wherein the plurality of segments comprise a corporate data and software segment being associated with a corporate data management server being one of the plurality of management servers (See paragraph [0099 and 0104]).

m. As per claim 32, Merrill et al teaches the claimed invention as described above.

Furthermore, Merrill et al teaches wherein the electronic device comprises one of mobile cellular phone handset, personal digital assistant, pager, MP3 player, and a digital camera (See paragraph [0025]).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2002/0124007 to Zhao in view of U.S. Patent Application No. 2003/0022657 to Herschberg et al.

a. As per claim 8, Zhao teaches the claimed invention as described above. However, Zhao fails to teach wherein the plurality of regions of data and content further comprise: a firmware region managed by a management server which is managed by a wireless operator; an operating system region managed by the wireless operator; a corporate logos region managed by a corporate user access management server; a corporate confidential data and software region managed by the corporate user access management server; and a user data region managed by the end-user.

Herschberg et al teaches a firmware region managed by a management server which is managed by a wireless operator; an operating system region managed by the wireless operator; a corporate logos region managed by a corporate user access management server; a corporate confidential data and software region managed by the corporate user access management server; and a user data region managed by the end-user.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Herschberg et al in the claimed invention of Merrill et al in order to ensure that the user has an appropriate set of application on his or her devices (See page 4, paragraph [0095]).

b. As per claim 9, Zhao in view of Herschberg et al teaches the claimed invention as

described above. Furthermore, Zhao wherein each of the plurality of regions of data and content comprise at least one update agent associated therewith for updating data and content, and wherein the at least one update agent is adapted to add, delete, configure, update, and manage associated regions of the plurality of regions of data and content (See page 3, paragraph [0029]).

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2002/0124007 to Zhao in view of U.S. Patent Application No. 2004/0203593 to Whelan et al.

a. As per claim 13, Zhao teaches the claimed invention as described above. However, Zhao fails to teach wherein the plurality of service management repositories further comprise: a corporate management server and repository for managing corporate data in the electronic device; an operator management server and repository for managing the communication stack in the electronic device; a manufacturer management server and repository for managing the at least one firmware and operating system layer in the electronic device; and an end-user management server and repository for managing end-user personal data in the electronic device.

Whelan et al teaches a corporate management server and repository for managing corporate data in the electronic device; an operator management server and repository for managing the communication stack in the electronic device; a manufacturer management server and repository for managing the at least one firmware and operating system layer in the electronic device; and an end-user management server and repository for managing end-user personal data in the electronic device (See page 5, paragraph [0067]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Whelan et al in the claimed invention of Zhao in order for each organization with management responsibility for management mobile units to create and manage a hierarchy suitable for the mobile units (See page 5, paragraph [0067]).

8. Claims 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2004/0002943 to Merrill et al in view of U.S. Patent Application No. 2003/0022657 to Herschberg et al.

a. As per claim 28, Merrill et al teaches the claimed invention as described above. However, Merrill et al fails to teach wherein the electronic device comprises a corporate data and software segment, and the electronic device being associated with a corporate user membership for an employee of a corporation, wherein the corporate data management server being adapted to erase at least a portion of the corporate data and software segment on the electronic device when the employee of the corporation associated with the electronic device severs an employment relationship.

Herschberg et al teaches wherein the electronic device comprises a corporate data and software segment, and the electronic device being associated with a corporate user membership for an employee of a corporation, wherein the corporate data management server being adapted to erase at least a portion of the corporate data and software segment on the electronic device

when the employee of the corporation associated with the electronic device severs an employment relationship (See page 4, paragraph [0095]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Herschberg et al in the claimed invention of Merrill et al in order to ensure that the user has an appropriate set of application on his or her devices (See page 4, paragraph [0095]).

b. As per claim 29, Merrill et al teaches the claimed invention as described above. However, Merrill et al fails to teach wherein the electronic device comprises a corporate data and software segment, and the electronic device being associated with a corporate user membership for an employee of a corporation, the corporate data management server being adapted to disable the electronic device when the employee of the corporation associated with the electronic device severs an employment relationship.

Herschberg et al teaches wherein the electronic device comprises a corporate data and software segment, and the electronic device being associated with a corporate user membership for an employee of a corporation, the corporate data management server being adapted to disable the electronic device when the employee of the corporation associated with the electronic device severs an employment relationship (See pages 5 and 6, paragraph [0116]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Herschberg et al in the claimed invention of Merrill et al in order to ensure that the user has an appropriate set of application on his or her devices (See

page 4, paragraph [0095]).

c. As per claim 30, Merrill et al teaches the claimed invention as described above.

However, Merrill et al fails to teach wherein the electronic device comprises a corporate data and software segment, and the electronic device being associated with a corporate user membership for an employee of a corporation, wherein the corporate data management server is adapted to disable access to the corporate data and software segment of the electronic device to prevent unauthorized access to the corporate data segment in the electronic device.

Herschberg et al teaches wherein the electronic device comprises a corporate data and software segment, and the electronic device being associated with a corporate user membership for an employee of a corporation, wherein the corporate data management server is adapted to disable access to the corporate data and software segment of the electronic device to prevent unauthorized access to the corporate data segment in the electronic device (See paragraph [0092], pages 5 and 6, paragraph [0116]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Herschberg et al in the claimed invention of Merrill et al in order to ensure that the user has an appropriate set of application on his or her devices (See page 4, paragraph [0095]).

d. As per claim 31, Merrill et al teaches the claimed invention as described above.

However, Merrill et al fails to teach wherein the electronic device is associated with end-user membership in a user group, and the electronic device comprises an end-user data and software

segment, the end-user data and software segment comprising: a plurality of gaming software and address book data; and an end-user data and software management server, the end-user data and software management server facilitating management of the end-user data and software segment; facilitating membership to the user group, and authorizing access to the end-user data and software segment by at least one of a plurality of management servers.

Herschberg et al teaches wherein the electronic device is associated with end-user membership in a user group, and the electronic device comprises an end-user data and software segment, the end-user data and software segment comprising: a plurality of gaming software and address book data; and an end-user data and software management server, the end-user data and software management server facilitating management of the end-user data and software segment; facilitating membership to the user group, and authorizing access to the end-user data and software segment by at least one of a plurality of management servers (See paragraph [0006-0007], paragraph [0079], paragraph [0089]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Herschberg et al in the claimed invention of Merrill et al in order to ensure that the user has an appropriate set of application on his or her devices (See page 4, paragraph [0095]).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Application No. 2003/0033358 to Tran et al teaches an extensible client aware hierarchical file management in a wireless portal system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M. Bayard whose telephone number is (571) 272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

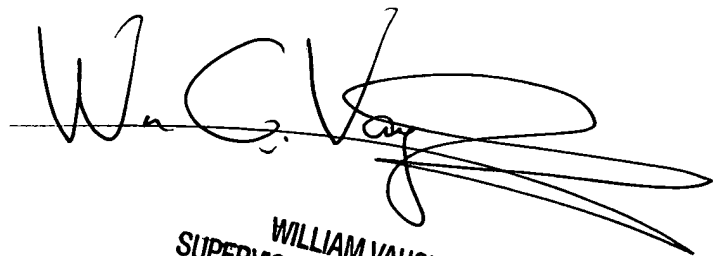
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Djenane Bayard

Patent Examiner

Application/Control Number:
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A handwritten signature in black ink, appearing to read 'W. C. Vaughn', with a large, stylized flourish extending from the end of the signature.

**WILLIAM VAUGHN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**